

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sally Lynn Edmonds	Team: Squad #7	CCRB Case #: 201705694	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/12/2017 7:08 PM	Location of Incident: In front of 11 Linden Boulevard	Precinct: 70	18 Mo. SOL 1/12/2019	EO SOL 1/12/2019	
Date/Time CV Reported Wed, 07/12/2017 9:29 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/12/2017 9:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Leon Batson	29265	938037	070 PCT
2. POF Veronica Martino	07498	960894	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Gordon Fraser	01374	911945	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leon Batson	Abuse: Police Officer Leon Batson threatened to issue summonses to § 87(2)(b)	
B.POM Leon Batson	Discourtesy: Police Officer Leon Batson acted discourteously toward § 87(2)(b)	
C.POM Leon Batson	Abuse: Police Officer Leon Batson refused to provide his name and shield number to § 87(2)(b)	
D.POF Veronica Martino	Abuse: Police Officer Veronica Martino refused to provide her name and shield number to § 87(2)(b)	
E.POM Leon Batson	Abuse: Police Officer Leon Batson threatened to arrest § 87(2)(b)	
F.POM Leon Batson	Abuse: Police Officer Leon Batson threatened § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on July 12, 2017, via the on-line website (Board Review 01).

On July 12, 2017, at approximately 7:08 p.m., in the vicinity of 11 Linden Boulevard in Brooklyn, § 87(2)(b) reversed into a parking spot when he was stopped by Police Officer Leon Batson and Police Officer Veronica Martino of the 70th Precinct. PO Batson allegedly told § 87(2)(b) “You better not park here or watch what happens to you” (**Allegation A**). § 87(2)(b) remained in the parking spot, and PO Batson then issued § 87(2)(b) two summonses, for reckless driving and unreasonable noise from a car. PO Batson threw the summonses in § 87(2)(b) s lap (**Allegation B**). § 87(2)(b) asked PO Batson multiple times for his name and badge number, and PO Batson refused to provide it (**Allegation C**). § 87(2)(b) also asked PO Martino for her name and badge number, and she did not respond (**Allegation D**). § 87(2)(b) followed the officers back to their vehicle while he was asking for their names and badge numbers. PO Batson told him “Move away from the car before you see what happens to you” (**Allegation E**). PO Batson took a photo of § 87(2)(b) s brother, with his phone. While doing so he said, “I’m going to get you,” and then left the location (**Allegation F**). § 87(2)(b) requested a supervisor to the scene, and approximately 10 to 15 minutes later, Sergeant Gordon Fraser of the 70th Precinct arrived at the location and spoke with the officers, who returned to the location, as well as § 87(2)(b) and § 87(2)(b) and § 87(2)(b) s neighbor, was a witness to this incident.

§ 87(2)(b) provided four cell phone videos of this incident. Video 1 depicts the portion of the incident where § 87(2)(b) asks for PO Batson’s name and shield number and receives the summonses (Board Review 13). Video 2 depicts the portion of the incident where § 87(2)(b) asks PO Martino for her name and badge number (Board Review 14). Video 3 depicts the portion of the incident where PO Batson allegedly threatens § 87(2)(b) (Board Review 15). Video 4 did not depict any FADO allegations (Board Review 12). For a summary of the videos, see Board Review 20.



Video 1.mp4



Video 2.mp4



Video 3.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- § 87(2)(a) 160.50
- § 87(2)(b); §§ 86(1)(3)(4); § 87(2)(c)

- On October 2, 2017, the New York City Comptroller's Office notified the CCRB that § 87(2)(b) and § 87(2)(b) had not filed a Notice of Claim regarding this incident (Board Review 04).

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- PO Batson has been a member of the NYPD for 12 years. He has been the subject of 23 additional allegations, stemming from 15 complaints. None of the complaints were substantiated § 87(2)(g) [REDACTED]
- PO Martino has been a member of the NYPD for one year. She has not been the subject of any prior complaints.

Findings and Recommendations

Potential Issues

- § 87(2)(b) a witness in this case, was not cooperative in providing a sworn statement, though he did provide a brief phone statement.
- Allegation F** was pleaded as a "threat-other" rather than a threat of force, threat of arrest, or threat of summons, because § 87(2)(b) was not sure what PO Batson intended by the statement "I'm going to get you," and there was no other context or evidence available to determine what was meant by the alleged threat.

Allegations not Pleaded

- Abuse of Authority: Stop:** A stop allegation was not pleaded against PO Batson and PO Martino because all parties agreed that § 87(2)(b) was stopped for quickly reversing his vehicle, for which he ultimately received a reckless driving summons.

Allegation A – Abuse of Authority: Police Officer Leon Batson threatened to issue summonses to § 87(2)(b)

§ 87(2)(b) provided a phone statement on July 17, 2017 and a sworn statement on August 9, 2017 (Board Review 18; 07). § 87(2)(b) was driving down Linden Boulevard looking for a parking spot when his brother, § 87(2)(b) who was standing outside 11 Linden Boulevard, called him to let him know about a parking spot that was opening up. § 87(2)(b) reversed about four car lengths, or forty feet, until he was double parked behind the car that was about to pull out. As he was waiting to pull into the spot, PO Batson knocked on his trunk and said, "Do you have kids? Why are you reversing down the block?" PO Batson told § 87(2)(b) to go park somewhere else, to which § 87(2)(b) replied that the spot he was waiting for was a legal spot. PO Batson stated "You better not park here or watch what happens to you." When § 87(2)(b) did pull into the parking spot, PO Batson walked back toward § 87(2)(b)'s vehicle and asked for his license and registration. He

then issued § 87(2)(b) two summonses, for reckless driving and excessive noise from a vehicle.

§ 87(2)(b) provided a phone statement on August 18, 2017 and a sworn statement on September 6, 2017 (Board Review 19; 08). § 87(2)(b)'s statement was consistent with § 87(2)(b) except that he recalled PO Batson telling § 87(2)(b) he could not park in that spot, § 87(2)(b) asking why, and PO Batson replying, "Because I told you you're not parking here. Go somewhere else, or you're going to see what happens."

§ 87(2)(b) provided a phone statement on August 18, 2017 (Board Review 09). His statement was also consistent with that of § 87(2)(b)s. He recalled PO Batson's exact statement as, "If you park your car here you're going to see what happens to you."

PO Batson stated that he was talking to some children with his partner PO Martino when § 87(2)(b) drove past with his music blaring (Board Review 10). § 87(2)(b) then reversed from the midway point of the block at about 20 MPH. PO Batson intercepted § 87(2)(b) before he reached the parking spot he was trying to get into, which was in front of the library, and was too close to a fire hydrant to be a legal spot. When § 87(2)(b) turned down his music, his muffler was suddenly audible, and "way too loud." PO Batson asked § 87(2)(b) if he had kids and told him he should be more careful reversing when there were kids on the street. PO Batson obtained § 87(2)(b)'s license and registration. When PO Batson returned to § 87(2)(b)'s vehicle, he had pulled into the parking spot, which was directly in front of the fire hydrant. PO Batson said "you can't park in front of a hydrant, sir" but denied stating "you better not park here or watch what happens to you." PO Batson did not give him a summons for parking in front of the fire hydrant because they had already issued him two other summonses, and he used his discretion to not issue him a third summons. PO Batson also stated in his memo book that § 87(2)(b) originally parked "too close" to a fire hydrant (Board Review 17). Upon viewing video footage of § 87(2)(b) parked approximately 50 feet away from the fire hydrant at the time he received the summonses, PO Batson stated that § 87(2)(b) was parked there but then moved his vehicle in front of the fire hydrant later in the interaction.

PO Martino's statement was consistent with PO Batson's (Board Review 11). She also recalled § 87(2)(b) moving his vehicle close to the fire hydrant at the end of the interaction. She recalled PO Batson's exact statement regarding § 87(2)(b) parking near the fire hydrant as, "If I was you I wouldn't leave it there."

Video footage, which begins when PO Batson returns to § 87(2)(b)'s vehicle with the summonses, shows § 87(2)(b) parked approximately 50 feet or more away from the fire hydrant at the time that PO Batson reportedly made the threat (Board Review 12). The video footage also depicts several parking signs, including one red sign, near § 87(2)(b)'s parking spot.

The New York City Department of Transportation's online map of city parking signs indicates that § 87(2)(b) was parked directly in front of a "No standing anytime" sign (Board Review 20).

Drivers may not wait or park in the areas designated by a "No Standing Anytime" sign, New York City Department of Transportation Rules, Section 4-08 (Board Review 22).

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Discourtesy: Police Officer Leon Batson acted discourteously toward

§ 87(2)(b)

§ 87(2)(b) stated that PO Batson threw the summonses at him and that they landed in his lap (Board Review 07). PO Batson did not try to hand § 87(2)(b) the summonses first.

§ 87(2)(b)'s testimony was consistent with that of § 87(2)(b). He stated that he was watching the interaction from the other side of the street, and was able to see PO Batson toss the summonses into the vehicle with a flick of his wrist (Board Review 08). § 87(2)(b) did not refuse the summonses. PO Batson did not attempt to hand them to § 87(2)(b) before tossing them.

§ 87(2)(b) did not witness PO Batson throwing the summonses (Board Review 09). In his memo book, PO Batson wrote that § 87(2)(b) refused to accept the summonses (Board Review 17). However, in his CCRB interview, PO Batson stated that § 87(2)(b) “snatched” the summonses from him (Board Review 10). PO Batson stated that § 87(2)(b) refused to take his license and registration, which he returned to § 87(2)(b) separately, after providing the summonses. Because § 87(2)(b) refused to take the license and registration, he placed it in the vehicle. PO Batson stated that he did not throw the summonses or the license and registration.

PO Martino stated that PO Batson extended his hand to provide § 87(2)(b) the summonses (Board Review 11). § 87(2)(b) refused to reach out his hand, so PO Batson placed the summonses either on his lap or on the dashboard. He did not throw the summonses. He handed the summonses to § 87(2)(b) together with the license and registration.

Cell phone video shows PO Batson holding two pink, rectangular pieces of paper out to § 87(2)(b) while § 87(2)(b) is momentarily facing away from PO Batson (Board Review 13). After a second, the video pans away and does not show how PO Batson ultimately transferred possession of the documents to § 87(2)(b). However, a few seconds later, § 87(2)(b) is heard saying, “So you are just going to throw the stuff in the car and leave.”

Officers must be courteous and respectful when interacting with the public, NYPD Patrol Guide, Section 203-09 (Board Review 16).

§ 87(2)(g)

However, the video does not capture how PO Batson transferred possession of the summonses to § 87(2)(b). However, PO Batson’s statement that § 87(2)(b) “snatched” the summons from him was not supported by the video or audio evidence. While placing the summons in § 87(2)(b)'s vehicle would have been acceptable had § 87(2)(b) refused to take it, the video footage shows that less than six seconds after PO Batson

holds out the summonses, § 87(2)(b) states, “Alright...Okay, see you soon. So you are just going to throw the stuff in the car and leave.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Leon Batson refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that he asked for PO Batson’s name and shield number multiple times, including three or four times when PO Batson was standing at the back of his vehicle recording his license plate number for the summons (Board Review 07). PO Batson replied, “Read the back,” or “the information is on the back.” § 87(2)(b) then followed PO Batson to his vehicle, asking him for his name and badge number on the way to his vehicle, as well as three or four more times when he was standing outside of PO Batson’s vehicle. PO Batson replied “yeah, yeah, yeah, good luck with that,” to some of his requests, and to other requests he did not reply at all. § 87(2)(b) eventually obtained both officers’ names from Sgt. Fraser, who responded to the location after § 87(2)(b) called 911.

§ 87(2)(b) stated that § 87(2)(b) followed PO Batson and PO Martino back to their vehicle after receiving the summonses, and stated “I need your badge number, you and your partner” and “can I get your badge number?” (Board Review 08). Neither PO Batson nor PO Martino responded. § 87(2)(b) asked again, at which point PO Batson replied “good luck with that.” He looked at the summonses, but noted that the tax number on the summonses was different from the badge number that Sgt. Fraser provided them. § 87(2)(b) also went to the passenger’s side window once the officers got in their vehicle, and asked “can I get your guys information?” Neither of the officers responded. PO Batson did not inform § 87(2)(b) that his name or tax number was on the summonses.

§ 87(2)(b) stated that § 87(2)(b) followed PO Batson and PO Martino back to their vehicle, and asked for their name and badge number as he did so (Board Review 09). He also approached their vehicle once they were seated in the vehicle and asked for PO Batson’s badge number. § 87(2)(b) did not believe that PO Batson provided it.

PO Batson stated that § 87(2)(b) asked for his name and shield number when he gave § 87(2)(b) the summonses (Board Review 10). PO Batson responded by verbally providing his name and shield number at that moment. He did not respond “yeah, yeah” or “good luck with that.” PO Batson stated that he also verbally provided his name and shield number again when Sgt. Fraser arrived at the location. Upon viewing the video footage of § 87(2)(b) asking for PO Batson’s badge number and business card at the time he received his summonses, and PO Batson stating only “yeah, yeah,” PO Batson explained that in this portion of the video he was providing § 87(2)(b) with his license and registration, and that he had previously provided the summonses and his name and badge number in a portion of the incident that was not captured on video. Furthermore, PO Batson stated that he replied “yeah, yeah” because he thought that § 87(2)(b) asked for his PBA card, not his business card.

PO Martino stated that § 87(2)(b) asked for PO Batson’s name and shield number as the officers were walking back to their vehicle after issuing § 87(2)(b) the summonses (Board Review 11). PO Batson replied “everything is on the summonses.” § 87(2)(b) then asked again, at which point PO Martino answered, “Everything is on the bottom

§ 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Veronica Martino refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) stated that he asked for PO Martino's badge number after receiving the summonses (Board Review 07). He exited his vehicle and followed them back to their vehicle while asking both officers for their name and badge number about four times. The officers did not reply. Once the officers got into their vehicle, § 87(2)(b) was standing on the passenger side of the vehicle, closer to PO Martino, when he said through the open window to PO Batson, "Can I get your name, your information, and your partner's name, and her information." PO Martino replied at this time, stating only that PO Batson's information was on the back of the summons. She did not provide her own name or badge number.

§ 87(2)(b) stated that § 87(2)(b) said to both officers "Can I get your badge number?" (Board Review 08). § 87(2)(b) then approached the passenger side window and asked PO Martino, "Can I get your guys information?" § 87(2)(b) did not hear either of the officers respond.

§ 87(2)(b) did not hear § 87(2)(b) ask for PO Martino's name or badge number (Board Review 09).

PO Martino stated that § 87(2)(b) asked for her name and shield number when she was walking back to the RMP (Board Review 11). She stated that she turned around and said "everything is here" and pointed at her badge. § 87(2)(b) said "let me get a pen" and PO Martino said "I'm not lending you my pen." § 87(2)(b) did not ask for her information again after that or prior to that. PO Martino was shown cell phone video in which the officers are walking back to their vehicle and § 87(2)(b) is following them. § 87(2)(b) asks "Can I get your guys' badge numbers?" PO Martino stated that a few seconds later, she gestured toward her badge and stated "everything is here" or "everything you need is right here."

PO Batson stated that § 87(2)(b) asked PO Martino for her name and shield number and she provided both verbally when § 87(2)(b) walked up to the police vehicle (Board Review 10). PO Batson did not recall if § 87(2)(b) asked her again or if he had asked her prior to that.

In the cell phone video, § 87(2)(b) can be heard asking "Can I get your guys' badge numbers?" (Board Review 14). PO Martino keeps walking and looks straight ahead for approximately six seconds after he asks the question, before she appears to make eye contact with § 87(2)(b). At that time, no verbal response is audible. She does not appear to gesture toward her badge.

An officer must courteously and clearly state their rank, name, shield number and command to anyone who requests it, and provide them ample time to record the information. NYPD Patrol Guide, Section 203-09 (Board Review 16).

While PO Martino stated that she provided her name and shield number at a specific point in the interaction by gesturing toward her badge and verbally stating that the information was on the badge, § 87(2)(g). PO Martino's body language in the video, in particular the fact that she walks forward while facing straight ahead and

swinging her arms, § 87(2)(g)

Allegation E – Abuse of Authority: Police Officer Leon Batson threatened to arrest § 87(2)(b)

§ 87(2)(b) stated when he approached PO Batson and PO Martino’s vehicle to ask for their name and shield number, PO Batson shouted at him “move away from the car before you see what happens to you” (Board Review 07). § 87(2)(b) interpreted this statement to mean that PO Batson might arrest him if he continued to try to talk to him. § 87(2)(b) backed away from the vehicle and took a picture of its license plate. PO Batson did not ask § 87(2)(b) to move away from the vehicle more than one time.

§ 87(2)(b) and § 87(2)(b) did not hear PO Batson threaten § 87(2)(b) while he was near the police vehicle (Board Review 08; 09). § 87(2)(b) did not hear PO Batson tell § 87(2)(b) to get away from the vehicle. § 87(2)(b) heard PO Batson say “Don’t come next to my car.”

PO Batson stated that he did not threaten § 87(2)(b) or state “Move away from the car before you see what happens to you” (Board Review 10). He stated that he did command § 87(2)(b) to return to his vehicle until the summons was written.

PO Martino did not recall PO Batson instructing § 87(2)(b) to move away from the RMP or making the alleged threat (Board Review 11).

Video footage shows § 87(2)(b) following the officers to their vehicle (Board Review 14). Though he is obscured behind the vehicle in the footage, § 87(2)(b) appears to approach the passenger side of the vehicle for approximately 30 seconds. After 30 seconds he comes around to the front of the car and takes a photograph of the vehicle’s license plate, before moving away from the vehicle. Any conversation between § 87(2)(b) and the officers once they are in the vehicle is not audible.

§ 87(2)(g)

Allegation F – Abuse of Authority: Police Officer Leon Batson threatened § 87(2)(b)

§ 87(2)(b) stated that he was recording the interaction between PO Batson and § 87(2)(b) from across the street (Board Review 08). After PO Batson and PO Martino had returned to their vehicle, PO Batson took out his phone pointed it at § 87(2)(b) and took a picture or a video, and then stated, “I’m going to get you.” (An IAB spin-off was generated under CCRB case # 201705822 to address the allegation that an officer photographed § 87(2)(b)

§ 87(2)(b) stated that PO Batson took a picture of § 87(2)(b) but he was not aware of PO Batson threatening § 87(2)(b) (Board Review 07).

§ 87(2)(b) did not allege that PO Batson threatened § 87(2)(b) (Board Review 09).

PO Batson stated that he did not take a photo or video of § 87(2)(b) or say “I am going to get you” (Board Review 10). He stated that § 87(2)(b) most likely believed this because he was looking at § 87(2)(b) when he received a priority job notification on his NYPD phone. He held up his phone to check the message and determine the urgency of the job. PO Batson did not have a record of that notification any longer, because the notifications do not save for an extended period of time.

PO Martino stated that PO Batson did not threaten § 87(2)(b) or tell him, “I’m going to get you” (Board Review 11). PO Batson did not take a photo or video of § 87(2)(b) Upon viewing video footage that depicts PO Batson holding his phone up while facing § 87(2)(b) PO Martino stated she did not know why PO Batson did this.

Video footage of the incident taken by § 87(2)(b) shows PO Batson with his phone raised to his face and pointed at § 87(2)(b) (Board Review 15). The phone is already raised when the camera pans to him and he puts the phone down within one second. PO Batson then nods his head upward as if he is greeting or speaking to § 87(2)(b) PO Batson cannot be heard speaking. A clicking noise coincides with PO Batson holding up his phone.

§ 87(2)(g)

Squad: 07

Investigator:	_____	<u>Lynn Edmonds</u>	_____
	Signature	Print	Date
Squad Leader:	_____	<u>Diana Townsend</u>	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date